

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ESSEX INSURANCE COMPANY,

Plaintiff,

v.

ADMIRAL PARKWAY, INC., et al.,

Defendants.

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No. 07-CV-238-WDS

ORDER

STIEHL, District Judge:

Before the Court is plaintiff's motion to stay proceedings (Doc. 63) to which there has been no response filed.

In this motion, the plaintiff indicates that although it has filed a motion for summary judgment seeking a determination by this Court of its duty to defend, defendant Admiral, in response to the motion for summary judgment has argued that the underlying action in Monroe County, Illinois would impact the issues raised in this action, and that plaintiff agrees that it would be best to allow the Monroe County matter to be resolved before proceeding in this matter.

Accordingly, the Court **GRANTS** plaintiff's motion to stay further proceedings (Doc. 63). All further proceedings are **HEREBY STAYED** in this matter until further Order of the Court. The parties shall promptly notify the Court of the resolution of the underlying state court proceeding.

The Court **DENIES**, at this time, plaintiff's motion for summary judgment (Doc. 43). Plaintiff may renew its motion once this matter is re-opened, if necessitated once the underlying state action is resolved. The parties may also seek, at that time, to re-open discovery, if

necessary.

Defendant Stein Cold Storage's motion to set aside default (Doc. 61) is **GRANTED** and plaintiff's motion for entry of default judgment as to defendant Stein Cold Storage (Doc. 62) is **DENIED**. Defendant Stein Cold Storage has indicated in its response to plaintiff's motion for default judgment that plaintiff does not oppose the motion to set aside (See, Doc. 66).

IT IS SO ORDERED.

DATED: May 7, 2008

s/ WILLIAM D. STIEHL

District Judge